REMARKS/ARGUMENTS

The foregoing amendments and these remarks are responsive to the final Office Action dated November 2, 2004. Favorable reconsideration and allowance of the present application are respectfully requested in view of the foregoing amendments and these remarks.

The applicant respectfully disagrees with all of the rejections presented by the Office Action. Nonetheless, and in an effort to expedite prosecution, each of the previously pending independent claims has been amended to recite that the plastic is cold stretched at atmospheric temperature, and that the film is relaxed or partially relaxed (which, of course, also occurs at atmospheric temperature) in both the longitudinal stretching direction and the transverse direction. Support for these amendments can be found at page 8, lines 31-32, and at page 9, lines 5-7, of the specification.

It is respectfully submitted that none of the prior art documents singly or together teach or suggest the presently pending claims. With regard to newly cited U.S. Patent No. 4,680,207 to Murray, it appears to disclose "cold drawn" unbalanced oriented LLDPE film having a transverse draw ratio between 1 and 3 and a machine (longitudinal) draw ratio between something greater than 1 and less than 6, but always greater than the transverse draw ratio. While Murray refers commonly to "cold drawn", it is submitted that this does not teach or suggest atmospheric temperature (i.e., typically 15° C to 35° C). Indeed, the stretching or drawing occurs over the tapered mandrel **15**, which produces MD and TD drawing simultaneously, immediately after the film is extruded as molten thermoplastic resin (col. 8, lines 60-61). Column 9, lines 6-8, indicate that the cooling air ring **14** cools the film to a temperature between 135° C and 150° C immediately before the cooled cylindrical mandrel **12**, which is said to be at a temperature of 85° C so as to cool the film below the crystalline melting point, i.e., below about 121° C. Therefore, the film passing over the tapered mandrel **15** is generally below 121° C but it remains significantly hot and certainly could not be said to be at atmospheric temperature. Column 9, lines 27-28, indicate that the film temperature before entering the nip rolls **13** is about 60° C and below the softening point of the film, which clearly implies that the film is above the softening point as it passes over the biaxial stretching mandrel **15**.

Thus, it is submitted that Murray teaches making tubular plastics material film that is stretched while it is still at a reasonably high temperature immediately after leaving a molten resin extruder. The film is biaxially stretched with a particular relationship between the MD and TD draw ratios, the purpose of which is to achieve acceptable tear-resistance properties. There is nothing in Murray suggesting that the film treatment has any effect on gas transmissivity or resistance to UV degradation of the film.

The Office Action asserts that Johnstone would have been combined with Murray and, based on the combination, the claimed invention would have been obvious. Applicant respectfully disagrees that there would have been a motivation to combine these references. However, even if combined, it is submitted the combination still does not suggest the invention as presently claimed.

With respect to the motivation to combine, Murray teaches the making of sacks, and it is submitted that one seeking to improve the gas transmissivity and/or UV degradation characteristics of plastics material film would not have looked to Murray for a solution to the problem, since Murray is primarily concerned with improving tear-resistance.

At any rate, even if Murray were combined with Johnstone, the combination would not have suggested all of the elements of the claimed invention, and particularly the biaxial stretching aspect: First, as noted, Murray does not teach biaxial stretching of film at atmospheric temperature (and Johnstone does not teach biaxial stretching at all). Second, Murray does not teach simple biaxial stretching, but rather a specific type of biaxial stretching. Additionally, Murray does not teach relaxation in either the longitudinal direction or the transverse direction. Therefore, the combination of Johnstone and Murray does not teach biaxial stretching at atmospheric temperature and relaxation in both longitudinal and transverse directions as claimed.

Furthermore, it is respectfully submitted that Johnstone does not teach or inherently achieve substantially uniform relaxation across the transverse cross-section of the film as claimed.

With regard to the rejections based on Martin-Cocher and Murray, the Office Action acknowledges that Martin-Cocher does not disclose relaxing the film across its transverse cross-section by 5% to 20% of the total stretched length, and does not disclose biaxial stretching.

Moreover, as already explained, Murray does not teach cold stretching or relaxing in both longitudinal and transverse directions as now claimed. Accordingly, even if Martin-Cocher and Murray were combined (and the applicant respectfully submits, for substantially the same reasons already given, that they would not have been combined), they still fail to teach all of the elements of the claimed invention.

In view of the foregoing, it is respectfully submitted that each of the independent claims is allowable. It is further respectfully submitted that the dependent claims are allowable because of their respective dependence from the allowable independent claims, and because the dependent claims further patentably distinguish the present invention.

Respectfully submitted,

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